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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,659	09/29/2003	Chun Te Yu	YUCH3041/JJC/JS	8271
23364 7590 05/03/2010 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER				
GALL, LLOYD A				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
05/03/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,659

Applicant(s)

YU ET AL.

Examiner

Lloyd A. Gall

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2006 and 02 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

The terminal disclaimer filed on March 29, 2010 is approved.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al (256).

Taylor et al teaches a padlock including a housing 12 with first and second holes at the top side of the housing as seen in fig. 4 to be in communication with an inside of the housing, the holes facing in a same direction, a shackle having a root section received in the rightmost hole in fig. 4, and a free section of the shackle being disposed outside of the housing and cooperable with a confining block, the shackle rotatable about the root section between locked and unlocked positions, the confining block including a block portion 96 located outside of the housing in the Fig. 7 condition, a stem portion 102 received inside of the housing via the second (leftmost) hole in the housing in fig. 4, the stem portion extending from a bottom of the block portion, the block portion having a receptacle which is outside of the housing in the fig. 7 condition to receive the free

section of the shackle within a first opening defined in the top of the block portion, the block portion together with the stem portion being rotatable with respect to the housing through its connection 98, 100, 102 with the component 93 as seen in fig. 6.

Claims 38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by the CN 2041340U reference.

As seen in Fig. 1, the CN reference teaches a padlock including a housing having first and second holes facing in the same direction at the top of the housing, a shackle including a root section (at the left side of fig. 1) and a free section at the right side of Fig. 1, the free section disposed outside of the housing and rotatable about the root section between locked and unlocked positions, a confining block having a block portion 4 located outside of the housing in Fig. 1 and a stem portion directly below the block portion located inside the housing in the second, rightmost hole of the housing, the block portion having a receptacle outside of the housing with a first opening defined in the top of the block portion for receiving the free section of the shackle, the block portion together with the stem portion being rotatable with respect to the housing. With respect to claim 40, the CN reference teaches the receptacle of the block portion having a second opening (at the left side as seen in fig. 1), the second opening being in communication with the first opening at the top of the block portion. The second opening of the block portion being rotatable to allow or prohibit the free section of the shackle from rotation about the root section of the shackle.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the CN 2041340U reference in view of Lai (672).

The CN reference also teaches combination lock wheels 2 at the left side of the housing in Fig. 1. As seen in Fig. 2, Lai teaches a numeral wheel set below the root section 33 of the shackle, including a shaft 34 diagonally opposite to the free section 31 of the shackle, a plurality of inner sleeves 23 mounted around the shaft 34, and a plurality of digit-wheels 24 mounted around the inner sleeves 23. It would have been obvious to modify the combination lock wheels 2 of the CN reference to include a shaft, inner sleeves and digit-wheels, in view of the teaching of Lai, to provide expected locking and unlocking results of the shackle.

Applicant's arguments with respect to claims 38-41 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/
Primary Examiner, Art Unit 3673

/L. A. G./
Primary Examiner, Art Unit 3673
April 30, 2010

Application/Control Number: 10/671,659
Art Unit: 3673

Page 6